THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23011 OF 2005

Dt.26.10.2005

Between:

Sri Sai Sreenadha Rao Traders

Rep. By its Manager, Bellamkonda Srinivasa Rao

… Petitioner

And

The Joint Collector, Prakasam District at

Ongole and another. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner questions the action of the Joint Collector, Prakasam District, Ongole, the first respondent herein, in directing for the interim disposal of the seized stocks of 83.50 quintals of rice in public auction pending disposal of the proceedings under Section 6-A of the Essential Commodities Act, 1955 (hereinafter referred to as 'the Act').

It is stated that 83.50 quintals of rice is seized from the premises bearing No.4-105 situate at Dronadula village belongs to the petitioner and the said house was taken on lease for conducting

business as there is no restriction for movement of paddy or rice in the State. But, however, the A.P. Rice Procurement (Levy) Order 1984 is in force.

Whether the said rice seized from the petitioner is meant for levy is a matter to be decided in the pending proceedings initiated under Section 6-A of the Act. The petitioner questions the action of the first respondent in directing for interim disposal of the seized stocks by way of public auction. Admittedly, the said stocks have been seized from the possession of the petitioner.

Having regard to the facts and circumstances of the case, the Joint Collector, Prakasam District at Ongole is directed to complete the proceedings initiated under Section 6-A of the Act within a period of two weeks from the date of receipt of a copy of this order. If the proceedings are not able to dispose of within the said period, the seized stocks may be released in favour of the petitioner by taking an undertaking either to produce the same or to pay the value of the seized stocks in the event of passing of final order confiscating the stocks.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

26.10.2005

Note: Issue copy within three days

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